

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-20276-2020(O&M)

Date of decision : 07.12.2020

Gurpreet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Amrik Singh, Advocate for the petitioner.

Mr. P.S. Walia, AAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.334 dated 28.08.2019 under Sections 21/22/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 registered at Police Station City Barnala, District Barnala.

The version put-forth by the Prosecution is that on 28.08.2019, Inspector Baljit Singh along with other Police officials was present at Bathinda-Barnala Road where at about 12.35 pm he received a secret information that the accused, petitioner herein, and others had formed a gang for selling intoxicant material in different cities of Punjab and on that day, they were supplied the intoxicant material in city Barnala

in car bearing Registration No.PB-59-B-1253. Finding the information reliable, a Ruqa was sent on the basis of which the FIR was registered. A *Naka* was laid at the disclosed place and the present petitioner was apprehended at the spot. The option of search was given to the petitioner who opted to be searched before a Gazetted Officer and, thereafter, DSP Rajesh Kumar Chhibber was called to the spot. Two bags were found lying in the car bearing No.PB-59-B-1253 from which 5000 strips of Clovidol 100 SR each strip containing 10 tablets i.e. 50,000/- intoxicant tablets in each bag were recovered. A total of 1,00,000/- tablets were recovered.

Learned counsel for the petitioner has contended that the petitioner is neither owner nor the driver of the vehicle and that the recovery has been effected from the car.

Learned counsel for the State has filed the status report by way of affidavit of Lakhvir Singh, PPS, Deputy Superintendent of Police, Sub Division Barnala and contended that even the car registration number was found to be fake and the petitioner, though not being the registered owner or the driver of the car, was apprehended at the spot and was travelling in the same car. He has further contended that the bar of Section 37 of the NDPS Act would clearly apply in the present case as the quantity recovered is heavy commercial quantity.

I have heard learned counsel for the parties.

As per the status report as well as the version put-forth by the Prosecution, a huge recovery of one lac tablets of Clovidol 100 SR

was made from in the car in which the petitioner is stated to have been travelling.

Learned counsel for the petitioner has though contended that the petitioner is neither the owner nor driver of the vehicle, however, the said argument would not be any benefit at this stage. Suffice it to say that the petitioner was travelling in the said car and was apprehended at the spot. The recovery effected is a huge commercial quantity of one lac tablets of Clovidol 100 SR.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner and accordingly the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

**(ALKA SARIN)
JUDGE**

07.12.2020
Yogesh Sharma

**NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**